

Subchapter Four: Building and Construction

5.04.010 General.

- (a) The provisions of this subchapter shall hereafter apply to the construction, alteration, moving, demolition, repair and use of any building or structure, and the equipment therein, in the Town of Colma.
- (b) It is unlawful for any person to construct, enlarge, alter, move, demolish, convert, occupy, equip, use or maintain any building or structure in the Town of Colma except in compliance with the provisions of this chapter and the codes referred to in sections 5.04.020 through 5.04.100 herein.
- (c) The building official of the Town of Colma is the City Building Inspector of the Town of Colma, or the City Building Inspector's authorized representative, acting for and on behalf of the Town of Colma.
- (d) One copy of each of the codes adopted by reference in Sections 5.04.020 through 5.04.100 below shall be kept on file in the office of the City Clerk of the Town of Colma for public record and inspection.
- (e) The provisions of the Uniform Administrative Code, as adopted in Section 5.04.100 below shall apply to each of the codes adopted in Sections 5.04.020 through 5.04.090.

[*History:* formerly § 5.401; ORD. 214, 7/13/77; ORD. 274, 9/17/81; ORD. 407, 12/13/89; ORD. 422, 3/13/91; ORD. 452, 5/12/93; ORD. 638, 12/14/05]

5.04.020 Building Code.

(a) That certain code designated as the Uniform Building Code, 1991 Edition, its appendix and the Uniform Building Code Standards, 1991 Edition, published by the International Conference of Building Officials, is hereby adopted by reference and made a part of this section of the Colma Municipal Code as though set forth in this section in full, subject, however, to the deletions set forth in (b) below, and said code shall be known as the Building Code for the Town of Colma.

(b) The following portions of the Building Code are deleted:

(1) Part 1. Administrative.

Chapters 1, 2 and 3 of said Building Code, with exception of Sections 101, 102 and 103.

(2) The following chapters of the Appendix to the Building Code:

Chapter 1

Chapter 7

Chapter-10

Chapter 12 Division I and II

Chapter 23 Division I

Chapter 24

Chapter 26

Chapter 31

Chapter 51

Chapter 53

Chapter 70, Section 7007, subsections (b) and (c) including Tables 70-A and 70-B

[*History:* formerly § 5.402; ORD. 214, 7/13/77; ORD. 274, 9/17/81; ORD. 407, 12/13/89; ORD. 452, 5/12/93; ORD. 638, 12/14/05]

5.04.030 Plumbing Code.

(a) That certain code designated as the Uniform Plumbing Code, 1991 Edition, published by the International Association of Plumbing and Mechanical Officials, together with its Appendices and Installation Standards, is hereby adopted by reference and made a part of this section as though set forth in this section in full, subject, however, to the amendments, additions and deletions set forth in this section, and said code shall be known as the Plumbing Code for the Town of Colma.

(b) The following portions of the Plumbing Code are deleted:

(1) Part 1. Administration

Part I of said Plumbing Code entitled "Administration", with exception of Sections 10.1, 10.2 and 10.3.

(2) Appendices.

Appendix Chapter "E"

[*History:* formerly § 5.403; ORD. 214, 7/13/77; ORD. 274, 9/17/81; ORD. 407, 12/13/89; ORD. 452, 5/12/93; ORD. 638, 12/14/05]

5.04.040 Mechanical Code.

(a) That certain code designated as the Uniform Mechanical Code, 1991 Edition, published jointly by the International Association of Plumbing and Mechanical Officials and the International Conference of Building Officials, together with its Appendix, is hereby adopted by reference and made a part of this section as though set forth in this section in full, subject, however, to the amendments, additions and deletions set forth in this section, and said code shall be known as the Mechanical Code for the Town of Colma.

(b) The following portions of the Mechanical Code are deleted:

(1) Part 1. Administrative.

Chapters 1, 2 and 3 of said Mechanical Code, with the exception of Sections 101, 102 and 103.

(2) Appendix B, Chapter 21.

Sections 2124 and 2125.

[*History:* formerly § 5.404; ORD. 214, 7/13/77; ORD. 274, 9/17/81; ORD. 407, 12/13/89; ORD. 452, 5/12/93; ORD. 638, 12/14/05]

5.04.050 Electrical Code.

That certain code designated as the National Electrical Code, 1990 Edition, published by the National Fire Protection Association, is hereby adopted by reference and made a part of this section as though set forth in this section in full, and said code shall be known as the Electrical Code for the Town of Colma.

[*History:* formerly § 5.405; ORD. 214, 7/13/77; ORD. 274, 9/17/81; ORD. 407, 12/13/89; ORD. 452, 5/12/93; ORD. 638, 12/14/05]

5.04.060 Housing Code.

(a) That certain code designated as the Uniform Housing Code, 1991 Edition, published by the International Conference of Building Officials, is hereby adopted by reference and made a part of this section as though set forth in this section in full, subject, however, to the amendments, additions and deletions set forth in this section, and said code shall be known as the Housing Code for the Town of Colma.

(b) The following portions of the Housing Code are deleted:

(1) Section 104:

Application to Existing Buildings and Structures. Section 104.

- (2) Chapter 2: Enforcement

Chapter-2, with exception of Section 202.

- (3) Permits and Inspections.

Chapter 3.

[History: formerly § 5.406;; ORD. 274, 9/17/81; ORD. 407, 12/13/89; ORD. 452, 5/12/93; ORD. 638, 12/14/05]

5.04.070 Dangerous Buildings Code.

(a) That certain code designated as the Uniform Code for the Abatement of Dangerous Buildings, 1991 Edition, published by the International Conference of Building Officials, is hereby adopted by reference and made a part of this section as though set forth in this section in full, subject, however, to the amendments, additions and deletions set forth in this section, and said code shall be known as the Dangerous Buildings Code for the Town of Colma.

(b) The following portions of the Dangerous Buildings Code are deleted:

- (1) Section 103: Alterations, Additions and Repairs.

Section 103.

- (2) Chapter 2: Enforcement.

Chapter 2

[History: formerly § 5.407; ORD. 274, 9/17/81; ORD. 407, 12/13/89; ORD. 452, 5/12/93; ORD. 638, 12/14/05]

5.04.080 Swimming Pool Code.

(a) That certain code designated as the Uniform Swimming Pool, SPA and Hot Tub Code, 1991 Edition, published by the International Association of Plumbing and Mechanical Officials, is hereby adopted by reference and made a part of this section as though set forth in this section in full, subject, however, to the amendments, additions and deletions set forth in this section, and said code shall be known as the Swimming Pool Code for the Town of Colma.

(b) The following portions of the Swimming Pool Code are deleted:

- (1) Part 1. Administration.

Part 1 of said Swimming Pool Code entitled "Administration", with exception of Sections 1.0, 1.1, 1.3 and 1.10.

[History: formerly § 5.408; ORD. 274, 09/17/81; ORD. 407, 12/13/89; ORD. 638, ORD. 452, 5/12/93; 12/14/05]

5.04.090 Solar Energy Code.

(a) That certain code designated as the Uniform Solar Energy Code, 1991 Edition, published by the International Association of Plumbing and Mechanical Officials, together with its Appendices, is hereby adopted by reference and made a part of this section as though set forth in this section in full, subject, however, to the amendments, additions and deletions set forth in this section, and said code shall be known as the Solar Energy Code for the Town of Colma.

(b) The following portions of the Solar Energy Code are deleted:

(1) Part 1. Administration.

Part 1 of said Solar Energy Code entitled "Administration", with exception of Sections 10.1, 10.2 and 10.3.

[History: formerly § 5.409; ORD. 407, 12/13/89; ORD. 452, 5/12/93; ORD. 638, 12/14/05]

5.04.100 Administrative Code.

(a) That certain code designated as the Uniform Administrative Code, 1991 Edition, published by the International Conference of Building Officials, is hereby adopted by reference and made a part of this section as though set forth in this section in full, subject, however, to the amendments, additions and deletions set forth in this section, and said code shall be known as the Administrative Code for the Town of Colma.

(b) The Entitlement and Subsection (a) of Section 204 of said Administrative Code is hereby amended to read as follows:

HOUSING ADVISORY AND APPEALS BOARD

(a) General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of the technical codes, there will be and is hereby created a Housing Advisory and Appeals Board who are the City Council of the Town of Colma. The board shall hold office at its pleasure and is empowered to appoint additional members to said board who are qualified by experience and training to pass upon matters pertaining to building construction and building services equipment and who are not employees of the Town. The building official shall be an ex officio member and shall act as secretary to said board but shall have no vote upon any matter before the board. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a copy to the building official.

(c) Sections (b), (c), (e)2. and (f) of Section 304 of said Administrative Code be and hereby are amended to read as follows:

A. Subsection (b) is amended to read:

(b) Permit Fees: The fee for each permit shall be as set forth in the schedule entitled, "Table 3-A Building Permit and Inspection Fee Schedule" adopted by the City Council in Resolution No. 93-12, and such amendments and additions thereto as may, from time to time, be adopted by resolution of the City Council.

The determination of value or valuation under any of the provisions of these codes shall be made by the building official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air-conditioning, elevators, fire extinguishing systems and other permanent equipment.

B. Subsection (c) is amended to read:

(c) Plan Review Fees. When a plan or other data are required to be submitted by Subsection (b) of Section 302, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fee for buildings or structures shall be sixty-five percent (65%) of the building permit fee as shown in Table No. 3-A.

The plan review fees specified in this subsection are separate fees from the permit fees specified in Section 304(a) and are in addition to the permit fees. When plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in Table No. 3-A. Where plans or other data require geotechnical or other specialist review, an additional plan review fee shall be charged to the applicant at a rate that will pay actual cost plus ten percent (10%) to the Town for such services rendered.

C. Subsection (e)2 is amended to read:

2. Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in Table No. 3-A. The payment of such investigation fee shall not exempt an applicant from compliance with all other provisions of either this code or the technical codes nor from the penalty prescribed bylaw.

D. Subsection (f) is hereby added to read:

(f) Penalty. The penalty for building without a permit is ten times the permit fee to a maximum of \$3,900 plus the permit fee.

E. Table Nos. 3-B through 3-H are deleted and Table No. 3-A is amended to be that schedule entitled, "Table 3-A Building Permit and Inspection Fee Schedule" adopted by the City Council in Resolution No. 93-12, and such amendments and additions thereto as may, from time to time, be adopted by resolution of the City Council.

[History: formerly § 5.410; ORD. 452, 5/12/93; ORD. 638, 12/14/05]

5.04.110 Purposes and Findings.

(a) The purposes of this ordinance are to establish standard hours of construction and noise thereto related, notwithstanding other provisions of this subchapter.

(b) The City Council finds that regulation of construction noise is necessary to protect the public health and safety of City residents and visitors, as evidenced by the following facts.

Over the past year, staff has received an increasing number of inquiries related to construction noise levels throughout the Town of Colma. Construction noise at especially early or late times of the day is a nuisance to neighboring properties.

Regulation of construction hours within the Town is necessary to protect the public health and safety of residents and visitors. Because of the health risks associated with excessive noise exposure, this ordinance shall take force and effect on the date provided herein.

[History: ORD. 661, 9/12/07]

5.04.120 Regulations.

(a) As used in this subchapter, "construction" means any and all acts associated with the building, erection, creation, production, conversion, modification, or improvement to create any residential, commercial, or industrial structure.

(b) No person shall, within any residential zone including Planned Developments that include residential uses, or within a radius of five hundred feet therefrom, operate equipment or perform any outside construction or repair work on any building, structure, or other project, or operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist, or any other construction-type device which shall exceed, between the weekday hours of seven a.m. and eight p.m. (weekend and holiday hours of ten a.m. and six p.m.), a noise level of eighty-five decibels as measured at twenty-five feet from the noise source, or exceed between the weekday hours of eight p.m. and seven a.m. (weekend and hours of six p.m. and ten a.m.) a noise level of sixty decibels as measured at twenty-five feet from the noise source, unless such person shall have first obtained written approval from the Building Official. Staging or placement of equipment in preparation for construction may occur at any hour provided that the activity does not exceed the noise restrictions established in this Section. No permit shall be

required to perform emergency work. Other exempt work shall include utility and street repair, street sweeping, garbage collection, and emergency response warning noise.

(c) Construction hours within all non-residential zoning districts shall be assigned on a project-by-project basis by the Building Official, based on the evaluation of potential noise-related impacts on surrounding uses.

[History: ORD. 661, 9/12/07]

5.04.130 Violation.

(a) Any person violating any of the provisions of this subchapter shall be guilty of a misdemeanor, which shall be punishable as set forth in section 1.05.010 *et seq.* of the Colma Municipal Code.

(b) The operation of equipment, performance of any construction or repair work, or operation of a pile driver, power shovel, pneumatic hammer, derrick, power hoist, or any other construction-type device in violation of this ordinance is declared to be a public nuisance, which may be abated pursuant to the procedures set forth in the Property Maintenance and Nuisance Abatement Ordinance of the Town of Colma (Colma Municipal Code, subchapter 2.01).

[History: ORD. 661, 9/12/07]

5.04.140 Appeal.

An aggrieved party may appeal to the City Council from a decision of the City Planner under this ordinance. The appeal shall be heard in accordance with the procedures set forth in section 1.02.140 of the Colma Municipal Code. The City Council may affirm, overrule, or modify the action of the City Planner.

[History: ORD. 661, 9/12/07]